

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P 04-382LK	FOR FURTHER ACTION	See item 4 below
International application No. PCT/SE2004/001500	International filing date (<i>day/month/year</i>) 18 October 2004 (18.10.2004)	Priority date (<i>day/month/year</i>) 20 October 2003 (20.10.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SEDANA MEDICAL AB		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 24 April 2006 (24.04.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold; margin-top: 10px;">Philippe Becamel</div> Telephone No. +41 22 338 70 90

PT12

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Groth & Co. KB
Box 6107
102 32 Stockholm

REC'D 26 JAN 2005

WIPO

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

21-01-2005

Applicant's or agent's file reference

P 04-382LK

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/SE 2004/001500

International filing date (day/month/year)

18.10.2004

Priority date (day/month/year)

20.10.2003

International Patent Classification (IPC) or both national classification and IPC

A61M 16/01

Applicant

Hudson RCI AB et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Form PCT/ISA/237 (cover sheet) (January 2004)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SE 2004/001500

Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language, _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-9	YES
	Claims	1	NO
Inventive step (IS)	Claims	3-4, 6-9	YES
	Claims	1-2, 5	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

Prior art

Reference is made to the following document:

D1: EP 0972534 A2

From document D1 a device for anaesthetic treatment of a patient is known. The device in D1 can recover anaesthetics in anaesthetic treatment of a patient and consists of a flow path, which path can consist of one (3) or two (7,8 or 12,13 respectively) tubular lines for a breathing medium with a first and a second opening. The device also discloses an absorption body (6), which absorption body has a capacity of absorbing and desorbing anaesthetics. The device further discloses a valve means (20), which is adjustable between a first position in which the flow path passes through the absorption body, and a second position in which the flow path does not pass through the absorption body, and the absorption body retains unchanged position in the housing in both valve positions. (See for example the abstract, column 2, line 19 - column 3, line 16 and figure 1.)

Statement of reason

The invention according to claims 1-9 discloses a device for recovering anaesthetics during anaesthetic treatment of a patient. The device consists of a housing with a flow path for throughput of a breathing medium. The device also discloses an absorption body, with which it is possible to both absorb and desorb anaesthetics. The device solves the problem with delayed turnoff of the supply of anaesthetics with the help of a valve arrangement. The valve arrangement

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V.

discloses a control means which controls the flow of the breathing medium so that the absorption body is completely passed-by when stopping the supply of anaesthetic to the patient. In this way the remaining anaesthetic in the absorption body cannot continue to be desorbed in the breathing medium and the supply of anaesthetic is turned off immediately.

Claim 1 and 5 indicates different number of flow paths, see box VIII.

It is assumed as obvious to a person skilled in the art to arrange a housing, with a first opening and a second opening, around the anaesthetic device so that a flow path is established in the housing.

According to what is mentioned above, the invention according to claim 1 lacks novelty.

What is mentioned in claim 2 and 5 is regarded only as obvious constructional details to the person skilled in the art. Therefore, the invention according to claim 2 and 5 is regarded to lack an inventive step.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

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Box No. VII Certain defects in the international application

The following defects in the form or content of the international application have been noted:

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SE 2004/001500

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawing or on the question whether the claim are fully supported by the description, are made:

Claim 1 states that the device discloses **one** flow path ("the flow path"). Claim 5, which depends on claim 1 or 2, states that the device discloses **two** flow paths. It is assumed that the flow path consists of one path, which can be split in two paths if required and the claims has been searched with this assumption in mind.